

PAPER NO. 128
Disposes of
Paper No. 90.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER, PARAGRAPH 1,
- vs -) GRANTING, REQUEST OF OKAWA
ARAKI, SADAO; et al) FOR TRANSFER TO TOKYO
) IMPERIAL UNIVERSITY HOSPITAL
) FOR CARE AND TREATMENT; and
) DISMISSING, PARAGRAPH 2,
) THEREOF, TO STRIKE THE NAME
) OF OKAWA FROM THE INDICTMENT
) OR STAY PROCEEDINGS.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the Request of SHUMEI OKAWA, that the Tribunal direct the transfer of the said SHUMEI OKAWA, to the psychiatric ward of the Tokyo Imperial University Hospital, for proper care and treatment; and, that his name be struck from the Indictment or proceedings be stayed in his case, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said Request be granted, in that the Tribunal directs the removal of SHUMEI OKAWA to the psychiatric ward of the Tokyo Imperial University Hospital for care and treatment; subject to such provisions for securing his proper custody therein as may be directed by the Supreme Commander.

And it is further

ORDERED: That all the balance of said Request is refused. However, if and when the accused SHUMEI OKAWA is called upon to plead at this trial, the Tribunal will consider whether, in view of the evidence given in his absence, a fair trial can be had by him in these proceedings; throughout which

he will be represented by his counsel.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

PRESIDENT

OPINION:

The evidence indicates that the accused is at present suffering from a serious mental disease or disorder. He has not yet been called upon to plead. However, there is, as yet, no reason to suppose that he will not recover during the progress of this trial, so as to be able to plead when called upon.

BY THE TRIBUNAL:

PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General and Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal.